

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 28, 2005

DIVISION ONE

B175822 Amwest Surety Insurance Co. (Not for Publication)
 v.
 Patriot Homes, Inc., et al.

The judgment and attorney fees and costs award for defendants on the breach of contract (first) cause of action are reversed. The case is remanded for the trial court to enter judgment for Amwest and against all the defendants on the breach of contract cause of action and redetermine costs and attorney fees thereon in light of the changed judgment. The judgment and interest and costs award for Amwest on the statutory indemnity (second) cause of action are affirmed. Amwest is awarded its costs on appeal.

Rothschild, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

DIVISION TWO

B178982 634 Prospect Avenue LLC (Not for Publication)
 v.
 Loren Phillips & Associates, Inc., et al.

The judgment is reversed, and the matter is remanded to the trial court for further proceedings. Appellant is entitled to costs on appeal.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

DIVISION TWO (Continued)

B172863 Northrop Grumman Corporation, etc. (Certified for Publication)
v.
County of Los Angeles

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

B181301 Reliance Insurance Company (Not for Publication)
v.
Wells Fargo Bank, N.A., et al.

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

B183484 In re Marina C. et al. (Not for Publication)
Los Angeles County, D.C.S
v.
Teodula C. et al.

As to each appellant, the orders under review, denying the section 388
petition and terminating parental rights, are affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

November 28, 2005 (Continued)

DIVISION TWO (Continued)

B180731 People (Not for Publication)
v.
Garcia

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Ashmann-Gerst, J.

B177369 People (Not for Publication)
v.
Owens

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

B176847 People (Not for Publication)
v.
Summers

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

B180675 Doyle
v.
Cohen

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

November 28, 2005 (Continued)

DIVISION TWO (Continued)

B176019 People (Not for Publication)
v.
Robbins & Robbins

The judgments are affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

B180479 In re William G, Jr., (Not for Publication)
 Los Angeles County, D.C.S
 v.
 William G. Sr.

The judgment (order under review) is affirmed.

Boren, P.J.

We concur: Ashmann-Gerst, J.
Yegan, J. (Assigned)

DIVISION THREE

B170484 Mary Ellen Gerber (Not for Publication)
v.
Jean Michel Guirao

The direct appeal from the dismissal orders is dismissed as untimely. As for the appeal from the order denying Gerber's motion to vacate the dismissals, the order is affirmed with respect to the dismissal obtained by the Alfred defendants and is reversed with directions to vacate the dismissal obtained by Guirao. The parties shall bear their respective costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION THREE (Continued)

B168163 William F. Bothwell et al. (Certified for Publication)
v.
Abbott Laboratories, Inc. et al.

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION FOUR

B181146 Los Angeles County Department (Not for Publication)
of Children and Family Services
v.
Juan S.

The order declaring minors dependents of the juvenile court is affirmed.

Hastings, Acting P.J.

We concur: Curry, J.
Willhite, J.

B181338 Los Angeles County, D.C.S. (Not for Publication)
v.
Courtney H., et al.

The orders denying mother's February 17, 2005 section 388 petition and terminating mother's and father's parental rights as to Liliana are affirmed.

Epstein, P.J.

We concur: Curry, J.
Willhite, J.

DIVISION FIVE

B181420 People
v.
Kent Ung

Filed order denying petition for rehearing.

DIVISION SIX

B182490 People (Not for Publication)
v.
Mendoza

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B183915 San Luis Obispo County (Not for Publication)
 Department of Social Services,
 v.
 Frances M.,

The judgment (order terminating parental rights) is affirmed.

Perren, J

We concur: Gilbert, P.J.
Coffee, J.

DIVISION SIX (Continued)

B170505 People (Not for Publication)
v.
Weyand et al.,

The judgments are modified to strike the parole revocation fines under section 1202.45 and to include a calculation of the days each appellant actually spent in custody before sentencing. The superior court shall prepare modified abstracts of judgment and shall forward them to the department of Corrections. As so modified, the judgments are affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B181829 People (Certified for Publication)
v.
Ornelas

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B180442 People (Not for Publication)
v.
Jesse M.

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SIX (Continued)

B177933 Republic Western Ins. Co. (Not for Publication)

v.

Santa Barbara Villas, et al.,
Manchester Insurance Agency, et al.,

The judgment is affirmed. Costs on appeal are awarded to Respondents.

Coffee, J.

We concur: Gilbert, P.J.
 Perren, J.

B173631 People (Not for Publication)

v.

Fetissova

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

B180231 People (Not for Publication)

v.

Stuber

The commitment order is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
 Coffee, J.

DIVISION SEVEN

B174083 Norris et al., (Not for Publication)
 v.
 Union Carbide Corporation

The order granting summary judgment is reversed and the cause remanded to the trial court for further proceedings consistent with this opinion. Each party is to bear its own costs on appeal.

Johnson, J.

We concur: Perluss, P.J.
 Woods, J.

B177188 Arocho et al., (Certified for Publication)
 v.
 California Fair Plan Insurance Company

The order granting summary judgment against appellant is reversed and the cause remanded for further proceedings consistent with this opinion. Appellants to recover their costs on appeal.

Johnson, J.

We concur: Perluss, P.J.
 Woods, J.

B175866 People v. Hernandez (Certified for Partial Publication)
B185049 In re Hernandez on Habeas Corpus

The judgment is affirmed. The petition for writ of habeas corpus is denied.

Johnson, J.

We concur: Perluss, P.J.
 Woods, J.

DIVISION SEVEN (Continued)

B167722 Pagarigan et al.,
 v.
 Aetna U.S. Healthcare of California, Inc., et al.,

 Filed order denying petition for rehearing.

B174202 Multi-Cultural Marketing, Inc., et al.
 v.
 Qian et al.

 Filed order denying petition for rehearing.

DIVISION EIGHT

B177752 BDBG Promotions, Inc., et al., (Not for Publication)
 v.
 The Eleanor Group et al.,

 The order denying the petition to compel arbitration is affirmed.
 Respondents are to recover their costs on appeal.

Flier, J.

We concur: Cooper, P.J.
 Rubin, J.

B166366 People (Not for Publication)
 v.
 Ruiz

The judgment is modified to stay execution of the sentence on count 2, with that stay to become permanent when service of sentence on count 1 is completed. As so modified, the judgment is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.
 Boland, J.

DIVISION EIGHT (Continued)

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The judgment is affirmed. Appellant is awarded 586 days of presentence custody credit (Pen. Code, § 2900.5) and 0 days of conduct credit. The trial court is directed to prepare a corrected abstract of judgment showing the award of custody credit and to forward a certified copy to the Department of Corrections.

Flier, J.

We concur: Cooper, P.J.
Boland, J.

B176355 Silver et al., (Not for Publication)
v.
Robinson et al.,

The judgment is reversed. Appellants are to recover their costs on appeal.

Flier, J.

We concur: Rubin, Acting P.J.
Boland, J.

B181404 People (Not for Publication)
v.
Banner

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
Flier, J.

November 28, 2005 (Continued)

DIVISION EIGHT (Continued)

B179040 People (Not for Publication)
v.
Sanchez

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
Flier, J.

B176313 **James McDaniel**
v.
Kaben Starre, et al.,

Filed order denying petition for rehearing.